rejected under 35 USC 103(a) as allegedly being unpatentable over Herz et al. (US 5,758,257) in view of Williams et al. (US 5,977,964) and further in view of Rothmuller (US 5,635,989). Applicants respectfully traverse these rejections.

A feature of Applicants' invention is to detect a channel of a TV program that is being viewed and the time (time of day) when the TV program is being viewed, and to identify a program ID of that particular TV program by referring to a TV program table data (as shown in Fig. 4 of applicants' specification ) based on the detected channel and time information. The TV program defines what programs are planned to be broadcast, when, and at what channel in an area where a viewer resides.

Hertz et al. fail to disclose or suggest such a feature of Applicants' invention. The Examiner indicates in the Office Action that Hertz et al. disclose the obtaining of the audience data in Col. 26, line 57 through Col. 27, lines 5, and the audience data includes channel information and time information in Column 4, line 59 through Col. 5, line 4. However, at Col. 26, line 57 through Col. 27, Herz et al. merely mention the determination of whether the customer actually viewed the video program preselected.

Regarding the monitoring function, Hertz et al. state at Col. 25, lines 37-41 that "the customer's set top multimedia terminals maintain a record of the video programs that are actually watched by the customer for a period of time (say, 10 minutes) sufficient to establish that the customer "liked" that

program", but mention nothing about the detection of the channel and time the customer is viewing.

Also, the Examiner indicates that Col.4, lines 65 and following of Hertz et al. teaches the "obtaining at least a program ID". Applicants respectfully disagree. This part of Hertz et al. mentions "any descriptive feature suitable in describing particular video programs, such as classification category; directors; actors and actresses; degree of sex and/or violence; and the like". This is not the "program ID" of Applicants' invention. Also, judging from the subject matter of Hertz et al. that a collection of video programs is made based on the customer's preferences or appetites, it will be clear that the "descriptive feature" should not be interpreted to include the channel and time information.

From the above discussion, The Examiner's indication that Hertz et al. disclose the obtaining of the audience data is respectfully believed to be not correct.

Therefore, it is respectfully submitted that then combining Herz et al. with Williams et al. will not produce applicants' invention.

While applicants respectfully believe the claims as previously presented should be allowable, in order to further the prosecution, applicants amend the claims herein to further clarify audience data as used in the claims. Accordingly, claims 1, 6 and 11 are amended herein to further clarify or define this feature of applicants' invention.

The audience data includes, for example, a viewed channel, program ID, start and end times of the program, start and end times of the viewed program, difference time (viewed duration time), etc. as shown in Fig. 8. What is detected is not only a channel being viewed but start and end times of the viewing of a channel. However, the start and end times of the channel viewing do not necessarily correspond to the start and end times of the viewing of a program. This is because one program may be finished and another begin on the same channel being viewed. Herz et al., whether considered alone or when combined with Williams et al., does not teach or suggest these features of applicants' claims.

In view of the above remarks, it is believed that claims 1-3, 5-8 and 11-13 are allowable.

As to the rejection to claims 4 and 9, since the rejection is also based on the Hertz et al. reference, the above same discussion similarly applies, and it is respectfully submitted that claims 4 and 9 are allowable.

MARKUP SHEETS SHOWING CLAIM AMENDMENTS MADE HEREIN

1. (Twice amended) A method for obtaining audience data on TV programs, in an audience data obtaining device which uses a computer, the method comprising the steps of:

obtaining, from outside, TV program table data for an area where a viewer resides, said TV program table data including channel information and time information for each of TV programs planned to be broadcast in that area;

detecting a channel that is being viewed by the viewer;

[obtaining audience data which include viewed channel information and viewed time information of TV based on a result of the detecting of the viewed channel;]

detecting times at which a viewing of the channel is started and ended;

identifying a program ID of a currently viewed program from said TV program table data by comparing said detected channel and a current time with the channel and time information of said TV program table data;

obtaining [at least a program ID of a viewed program from said TV program table data by comparing said audience data with said TV program table data] audience data which include at least the program ID and viewed time information of the viewed program based on said TV program table data and results of the detecting of times, said viewed time information including at least one of

(1) a view start time of each viewed program, (2) a view end time of each viewed program, and (3) a difference between the view start time and the view end time; and

transferring, via the Internet to a collection center, the obtained [program ID and the viewed time information] audience data along with ID data of the viewer.

6. (Twice amended) A device for obtaining audience data on TV programs, comprising:

a program table data obtaining means far obtaining, from outside, TV program table data for an area where a viewer resides, said TV program table data including channel information and time information for each of TV programs planned to be broadcast in that area;

a first detector for detecting a channel that is being viewed by the viewer;

a second detector for detecting times at which a viewing of the channel is started and ended;

a program identification means for identifying a program ID of a currently viewed program from said TV program table data by comparing said detected channel and a current time with the channel and time information of said TV program table data;

an audience data obtaining means for obtaining audience data which include [viewed channel information and viewed time information of TV based on a result of the detecting of the viewed channel;

a program identification means for obtaining at least a program ID of a viewed program from said TV program table data by comparing said audience data with said TV program table data;] at least the program ID and viewed time information of the viewed program based on results of the detecting of times and said TV program table data, said viewed time information including at least one of (1) a view start time of each viewed program, (2) a view end time of each viewed program, and (3) a difference between the view start time and the view end time; and

a transfer means for transferring, via the Internet to a collection center, the obtained program ID and the viewed time information along with ID data of the viewer.

11. (Twice amended) A recording medium storing a computer, readable program for carrying out the steps of:

obtaining, from outside, TV program table data for an area where a viewer resides, said TV program table data including channel information and time information for each of TV programs planned to be broadcast in that area;

detecting a channel that is being viewed by the viewer;

[obtaining audience data which include viewed channel information and viewed time information of TV based on a result of the detecting of the viewed channel;]

detecting times at which a viewing of the channel is started and ended;

identifying a program ID of a currently viewed program from said TV program table data by comparing said detected channel and a current tune with the channel and time information of said TV program table data;

obtaining audience data which include [viewed channel information] at least the program ID and viewed time information of [TV based on a result of the detecting of the viewed channel;

obtaining at least a program ID of a viewed program from said TV program table data by comparing said audience data with said TV program table data;] the viewed program based on said TV program table data and results of the detecting of times, said viewed time information including at least one of (1) a view start time of each viewed program, (2) a view end time of each viewed program, and (3) a difference between the view start time and the view end time; and

transferring, via the Internet to a collection center, the obtained [program ID and the viewed time information] audience data along with ID data of the viewer.

In light of the above noted amendments and remarks, this application is believed in condition for allowance and notice thereof is respectfully solicited. The Examiner is requested to contact applicants' attorney at 503-224-0115 if there are any questions.

Respectfully submitted,

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